Supreme Court, U.S.
FILED

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No.

In the

Supreme Court of the United States

JAMES L. MARTIN, GRACE E. MARTIN
and ANN L. MARTIN

Petitioners,

versus

PENNSYLVANIA BOARD OF LAW EXAMINERS,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA

PETITION FOR WRIT OF CERTIORARI

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55 pp

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B. ARE FINDINGS OF FACT AND CONCLUSIONS OF LAW ISSUED FROM A STATE COURT OF LAST RESORT, PURSUANT TO ITS ORIGINAL JURISDICTION, BINDING ON TRIAL COURTS?

C. DO THE 1st and 14th AMENDMENTS ENSURE AGAINST THE TAKING OF LIBERTY AND PROPERTY INTERESTS WITHOUT NOTICE, HEARING, OR CAUSE, LIKE DETAINING AN INDIVIDUAL UNDER THE BENEVOLENT GUISE OF EMERGENCY PSYCHIATRIC TREATMENT AND REFUSING TO DISCHARGE HIM AFTER 25 YEARS, DESPITE AN UNOPPOSED PETITION TO TERMINATE INCOMPETENCY?

D. IS A JUSTICE SERVING ON THE SUPREME COURT OF THE UNITED STATES SUBJECT TO THE RECUSAL STATUTE AT 28 USC Sec. 455?

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I. Parties to the Proceeding in the Court whose Judgment is sought to be reviewed

Petitioners Ann L. Martin, Grace E. Martin for the first case, and respondent Pennsylvania Board of Law Examiners and petitioner James L. Martin for the second case. These two cases have common issues, so they are being presented together in accord with Rule 12.4. The proceeding in Orphans' Court, the first case, was unopposed throughout all the proceedings, including the appellate process. Lois Harbold did not enter an appearance in the state court of last resort, but joined Ann and Grace Martin in both of the lower courts.

II. Statement of this Court's Jurisdiction

A. Date of entry of judgments sought to be reviewed: 4-7-01, at A-1 (Justice Souter extended the time for seeking review 60 days, to 9-14-01, while the second case was being decided, at 01A60), and 6-12-01, at A-2, for second case.

B. Date of Order on Motion for Rehearing: 9-7-01, at A-20, for second case only.

C. Statutory Provision Believed to Confer Jurisdiction to Review the Judgments by Writ of Certiorari: 28 USC Sec. 1257(a).

III. Authorities Relied Upon

A. **US Const., Amendment 1**: "Congress shall make no law . . . abridging the. . . right of the people peaceably to assemble [or to associate with one another] . . .."

B. **US Const., Amendment 14, Sec. 1**: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law; . . .."

C. **US Const., Amendment 14, Sec. 1**: "[N[or shall any State deprive any person of life, liberty, or property, . . .

nor deny to any person within its jurisdiction the equal protection of the laws."

IV. Statement of the Cases

A. Background Facts. The case below is an Unopposed Petition to Reopen an unopposed Petition to Adjudicate Competency (formerly called "Petition to Terminate Incompetency"). When the Petition to Terminate Incompetency was received in the Recorder's Office for the Lebanon County Court of Common Pleas on 12-22-88, it was not filed until 1-6-89, when an entry was made on the docket and an Order signed to dismiss it for lack of jurisdiction. In the interim, from 12-22-88 until 1-6-89, the clerical staff at the trial court tried to foreclose James Martin from access to the court, a recurring pattern evident in other courts as well. In a letter dated 12-27-88 to Martin, Deputy Clerk Janet Albright claimed that "nothing has ever been docketed in our office to any of the number references in your petition."

Martin wrote back to her on 1-3-89,

> "Even if nothing has ever been docketed, the enclosed Petition must be docketed, because the public record shall disclose my Petition to Adjudicate Competency. If the Court denies the requested relief, an appeal may be taken. Presently, you deprived me of a judicial forum, ***an apparent similarity to what occurred in 1975***, (when Martin was detained under the guise of emergency psychiatric detention, without notice, hearing, or cause), as the Petition recites. [emphasis added]."

James Martin forthwith filed a Motion for Recusal and Disqualification of G. Thomas Gates and any Other Judge Associated with Lebanon Valley College and with Philhaven Hospital, and for Vacation of the Order of 1-6-89 [dismissing the petition], which was granted on 1-17-89. With the Recusal Motion filed on 1-13-89, Martin also filed a "Petition *Nunc Pro Tunc* for Adjudication of Incompetency, with a Request for Oral Hearing.

On 1-31-89, Judge Eby dismissed the Petition to Adjudicate Competency [Terminate Incompetency under the old rules] because "an examination of this Court's records discloses no Order entered by this Court adjudicating James L. Martin incompetent." In a separate Order entered the same day, Judge Eby denied the Petition *Nunc Pro Tunc* "as the Petitioner is determined to lack standing." In yet a third document, dated 1-31-89 as well, Judge Eby summarized the two concurrent Orders dismissing the Petition for lack of jurisdiction and of standing.

Because the docket entries had been falsified even as to such regular and normal items as the date of filing, Martin filed a "Petition for Reformation of Docket Entries."

The Clerk wrote this frivolous on 3-10-89:

> "I am returning your Petition for Reformation of Docket Entries received in this office today. You have inaccurately referenced to Janet Albright as being the Deputy Prothonotary, and it is for this reason your papers are being returned."

The Pennsylvania Supreme Court determined that Martin had been committed to a mental institution, so that he was unfit for the practice of law for having failed to disclose

said "commitment." Martin indicated he had never been committed to a mental institution.

A *per curiam* order was issued to dismiss ". . . without prejudice to Petitioner reapplying for admission to the bar." This prior decision, also issued on an unopposed petition, does not contain any opinion about why James L. Martin would have an incentive to "reapply" for admission to the state bar of Pennsylvania, after the Pennsylvania Supreme Court documented itself to be so thoroughly corrupt.

B. Facts. The scandalous underside of what occurred at the Delaware Law School to create an issue about Martin's character and fitness to practice law has now emerged. Martin filed a Rule 30 Application with Justice Souter on 4-3-00, and the basis of that Application, which was granted on 4-5-00, sets forth the some of the most compelling recent facts:

* * * * * * * * *

> 4. Seven (7) [related] cases have been consolidated in the proceedings below at my request, and they all arose from the E. District of PA, and all pertain to the same issue.
>
> 5. Respondent PA Supreme Court and its cronies purported to *sua sponte* remove my name from the list of attorneys admitted to practice before the state court, and, years later, induced the US Court of Appeals for the Federal Circuit to likewise remove my name from the list of licensed attorney, without notice, hearing, or cause.
>
> 6. Prior to this obvious abuse of basic constitutional law at the Federal Circuit, I relied upon my admissions to the US Courts

of Appeals for reopening the cases at issue here, under F. R. Civ. P. 60(b).

7. The malicious and frivolous attempt to summarily remove my name from the list of attorneys admitted to practice before the respondent court--a removal without notice, hearing, or cause--assumed a new degree of outrage in view of the disclosure at Ex-9a to 10a [DeAngelis affidavit].

8. The statement, at Ex-9a to 10a, from "M J D," [Mary Jane DeAngelis] a person I have never met but with whom I have spoken by phone several times, will be used to respond to those Circuits where the artificial issue created about my background has been causing interference with my career.

9. I was previously unaware of the scandal involving Robert King at Widener University School of Law, and of its spillover costs to me, but do recall at least two occasions when I, and all the students enrolled in the day division at the Delaware campus of the law school, were dismissed with an emergency alarm, until security experts ensured the school's administrators that it was safe to re-enter. I recall that the concern was focussed on a dangerous student at that time, but at this point, I have no way to ascertain whether these security issues were the same as the one mentioned in MJD's statement.

10. Robert Henry was a professor at the law school I attended, and I do have a tape recording of the sham hearing on 11-22-92,

when he was one of three members on a faculty panel who "interviewed" me in violation of the rules of conduct, which mandated a grievance that was never filed.

11. I intend to renew my efforts to initiate discovery concerning the issues raised, because all previous efforts to elicit any discovery responses were summarily enjoined by lying federal judge Joseph Farnan, Jr., a "liar" in view of his lies about being independent, although I later learned that he was a paid employee of the same respondent law school whose staff members' discrimination and misconduct were at issue in a series of cases he purported to preside over. (I further note that the previous decisions of this court simply disregard my prior disclosures about lying Farnan, followed up with my ouster of the liar.)

12. The law school respondents were apparently responsible for patronizing Robert King, a felon, despite his wielding a gun and threatening a faculty member on the law school campus. I further point out that, while these goons were colluding to undermine my career, I was working at the US DOJ as a clinical intern, and was awarded a commendation outstanding enough to induce the scoundrels at the law school to destroy it without any sanctions, while liar Farnan purported to preside over the proceedings. It was recovered from the US DOJ under the FOIA.

13. "The consensus among the panel members [at the respondent Law School] was that Martin had done nothing wrong, ..." See para. 10, Ex-10a [DeAngelis Affidavit]. When the state courts engaged in their scam to portray my state bar admission as a "mistake," they were compounding the misrepresentations exported from the respondent Law School, where the findings were reported as if the opposite conclusion had been reached.

14. This disclosure gives me greater understanding as I recall the moment when I saw Judge John Kurtz (Chairman of the faculty committee on 11-22-82) by chance at the law school library about a decade ago. His face turned beet red when he recognized me. I thought his changed complexion looked strange.

15. In view of the 12-7-99 decision to affirm the trial court, but for a different reason than what appears in the trial court's decision, and in view of the denial of my petition for rehearing on 1-14-00 (signed by a judge who should have been recused), both of these decisions should be vacated. I filed a Motion to Stay in the Third Circuit, on 2-28-00, at Ex-11a [omitted], but no decision has been issued on it.

16. Regardless of whether this motion for stay is granted or denied, I will be continuing to carry out the directives from other Circuits, and will encourage at least some of them to issue subpoenas directly,

rather than through the customary civil process, where a miscellaneous docket is opened at the district court where the deponent resides. Various Circuits, including the First Circuit, exercised original and exclusive jurisdiction to request me to elicit evidence from witnesses in the District of Delaware, incident to carrying out an obligation to expose the truth about the continuing but unfounded assault on my credentials. Judge Robinson, who is just as dishonest as liar Farnan for deliberately purporting to give *res judicata* effect to what was then known to be a void decision from a lying judge (actually a paid employee of the respondent Law School), has been interfering with the purview of other Circuits, and I intend to resort to lawful process among those interested Circuits to oust Judge Robinson with the same degree of finality that applied to liar Farnan in 1991. One illustration of a local judge's attempt to foreclose any discovery of the facts is part of the record below.

17. The terms of the trial court's order that would enjoin me from proceeding against these parties should be stayed pending my right to, for the first time, confront and to cross-examine these parties under oath.

18. Because I am now proceeding, anew, against the PA Board, its members, the scandalously corrupt PA Supreme Court, [which is the second of the two cases *sub judice*] and its notorious member judges, among others, presently armed with additional

evidence (new to me, but which should have been made available to me at the time, over a decade ago), former PA Board Secretary Susuan Anderson's credibility will be destroyed in any neutral forum, along with that of the NCBE, the Delaware Law School, its cronies--the judges who acted under color of state and of federal law--to the extent my records there are not forthwith corrected. The Third Circuit order dated 10-22-97, as well as the unsigned "Report and Recommendation" sent to the Circuit Courts as well as numerous other, is conclusive proof that the Third Court will not serve, and has not served, as a neutral forum, but will instead remain committed to protecting the likes of Anderson, Larsen, Nix, et. al. [from even prior to the time when Larsen and Nix started their legal battle between each other]. I will be requesting that the Admissions Clerks issue Certificates of Good Standing to show my admissions effective *nunc pro tunc* to 1983 before the state courts. If these motions are granted to bring the state courts into conformity with decisions from some of the federal courts, the issue created in the Third Circuit and the Federal Circuit will become academic.

Ann L. Martin, Grace E. Martin, and Lois J. Harbold, surviving children of Josephine A. Martin, and sisters of James L. Martin, certified the following statements in support of their Petition to Reopen the action to terminate the incompetency attributed to James L. Martin, which status had been imposed on him in Lebanon County in 1975, without notice, hearing or cause.

Mark E. Martin, our brother, and a brother of James L. Martin, issued a statement dated 10-18-99, which he attached to a Petition for Prompt Hearing, and filed in this court [Lebanon County Court of Common Pleas] on or about 10-19-99, at IN RE: ESTATE OF JOSEPHINE A. MARTIN, DECEASED, No. 1997-588. Mark Martin is trying to take the entire estate for himself, and his statement reads in part:

> "James L. Martin has a history or mental illness and bizarre behavior. Based upon Mark E. Martin's knowledge he has been diagnosed as a schizophrenic. Mark E. Martin has visited him in secured mental wards in Polyclinic and Philhaven Hospitals. Mark E. Martin is not comfortable with any meaningful or reliable contact regarding James L. Martin's accusations."

- Mark E. Martin's affidavit, issued in February 1987, to clarify James L. Martin's alleged "history of mental illness and bizarre behavior," and based upon Mark's personal knowledge and information,reads:

> Verified Statement of Mark E. Martin
>
> I, Mark E. Martin, certify the following to be true based upon my knowledge:
>
> 1. I am James Martin's brother, about 2 years older than he is. We keep in touch by phone and I visit with him several times during the year.

2. I read the "Social History" from Philhaven Hospital of 4-2-75 and the federal complaint filed several years ago.

3. James and I attended the same elementary, junior high and senior high schools. I was 2 grades ahead of him. Several references contained in the Philhaven Hospital "Social History" are incorrect. I never witnessed unsportsman-like conduct by James. I knew some of James' high school teammates and coaches. James played to the best of his ability and was a good teammate.

4. James graduated with highest honors from high school. He graduated with various honors from college. He did well in law school and passed the bar exams in several states. I don't think James is a "perfectionist" but rather a good diligent student.

5. An avid bicycle rider, he used to ride from his home in Quarryville, PA to the farm here, about 40 miles one way. He also rode to F & M University in Lancaster, not an impossibility as noted in the Social History.

6. I was living in Madison, Wisconsin in the winter of 1975 so I don't know what happened here. I have a B.A. degree in Psychology from the University of Wisconsin but I never studied for a doctorate.

7. I visited James at Philhaven Hospital in the spring of 1975. He was not violent or aggressive and those around him did

not seem to be afraid when they were around him either.

8. My brother Paul has difficulty with sustained concentration upon a particular activity because of brain damage suffered at birth, according to a medical evaluation independent of findings I understand to be included in the "medical reports" from Polyclinic.

9. During the summer of 1972, I worked at Hershey Foods Corp. with James in the same department for several months before a change developed in our schedules. Particularly vivid in my memory is the violent wildcat strike during that summer when angry union workers threatened those of us who were merely temporary employees (college students) not protected by the union. During the strike we travelled together and had to drive through angry mobs of union workers shouting threats and attempting intimidation to gain access to the plant. Even after the strike was settled it was particularly stressful to work alongside union workers who had honored the picket lines. During this particularly stressful time James worked as usual.

10. I believe the "medical reports" from both hospitals are not realistic portraits of my brother's character (including the classification of Paul as schizophrenic) based upon the "social history" from Philhaven Hospital.

Because the disinformation set forth about James Martin in the "medical records" was being cited as the basis for interfering with his practice of law and with his admission to the bars of some states, as well as other problems it was creating, James requested an affidavit from A. Landis Martin, our father, who issued a sworn statement on 7-6-81, and complements an affidavit from Josephine A. Martin, issued on 6-4-81.

These sworn statements were not comprehensive enough to make a difference where they were filed, so more detailed statements were issued several years later. One from A. Landis Martin, issued on 1-31-87, one from Josephine A. Martin, issued on 1-31-87 (with several attachments).

Some of us also issued verified statements at about the same time, like the one from petitioner Ann L. Martin, issued on 1-30-87, who is a real party in interest here, and one from Grace E. Martin, also a real party in interest, was issued on 2-2-87. James Martin has other verified statements from other siblings, and all of them are in the record below, and all say basically the same thing: the biographical sketch compiled to recast James Martin's personal history to summarily deprive him of fundamental rights under the guise of a psychiatric emergency is false and misleading.

To prepare for the hearing scheduled for November 29, 1999 under a preliminary order in the related case at 1997-588, we served additional discovery requests upon Mark Martin as noted in the record of that case, but he has not filed responsive answers, and those he did file were unsigned.

The attempt from Mark Martin to portray James Martin to be dangerously and mentally ill is like the one recited in a 2-18-90 *Philadelphia Inquirer* news article, at

B1, where Dr. John Walmer is quoted as saying: "I'm just *distressed to know that this [episode] (sic) is still bothering* him [James Martin]." Dr. Walmer granted a telephone interview to the reporters without James' knowledge or consent. Although Dr. Walmer was representing himself to the reporters as James' former doctor, he had no trouble accepting remote hearsay from persons he had never met, projecting *his* views about James' medical condition upon James as if they were based upon an evaluation (James had not seen him for 15 years when Walmer was spewing forth his gratuitous "evaluation"), and then proceeded to dispense some casual disgnosis, as if James were "bothered" in 1990 by the psychiatric assault Walmer helped to orchestrate over 25 years ago, when, like his more recent activity, he was quote willing to make unauthorized, unlawful, and untruthful statements about James to persons known to have no legitimate reason to access private and confidential information about James without James' prior consent.

At a hearing on 1-10-80 before the PA Chapter of the American Psychiatric Association at the Sheraton in Philadelphia, Walmer claimed that James was not given a hearing in 1975 as mandated under the Mental Health Act of 1966 [50 P.S. Sec. 4405] because he "did not want to make James into a public spectacle." When James asked whether Walmer had problems making other inmates/patients into "public spectacles," Walmer became speechless. This "hearing" was tape-recorded, but contrary to their representations at the time, the members of the panel who recorded it refused to provide a copy of the recording to James Martin.

To this day, James was never discharged from institutional "care" at Philhaven Hospital, so he petitioned the Orphans Court in the Lebanon County Court of Common Pleas (Judge Eby) on 12-22-88 for several reasons, including

a termination of the incompetency imposed on him without notice, hearing, or lawful cause in 1975. A fair decision in that Petition, filed here on 1-13-89, would have effectively enjoined Mark Martin from creating the issue about James Martin's mental condition that Judge Kline has failed to address.

During a tape-recorded session with John Walmer on 6-4-75, Walmer set forth the terms for James' release/discharge:

> "Right at this time, you have to demonstrate that you can discipline your life and achieve a worthwhile purpose; and completing those courses and getting a degree I believe to be a worthwhile purpose."

When Walmer made this reckless and tape-recorded statement, the college where James had been enrolled conceded that he had already completed his education, in a more disciplined and orderly manner than many of his peers, which is the reason James graduated from college with honors.

The unimpeached trial testimony of sisters Ann, Grace, and Lois, recite factual occurrences where Mark made allegations to the authorities directed against them, similar to the accusations he directed against James. His effort failed at the trial, and the witnesses he called to testify in his favor did testify in favor of Paul, a partially disabled brother. Therefore, Judge Kline set aside the last will that Mark claimed to have found, which left everything to him, on the basis of his undue influence over our late mother, Josephine Martin.

Generalized fabrications and accusations like those from Mark Martin have been exported to various bars to which James Martin was admitted, and these include all the US Circuit Courts are well as some others. Although some have disregarded the disinformation scheme, several have acted on it based upon "rulings" like those from the scandalously corrupt Pennsylvania Supreme Court.

The Delaware Law School contributed to the disinformation scheme by mailing false information to the various Boards of Bar Examiners, including the PA Board, despite a ruling, adverse to the School, issued from the Office for Civil Rights, holding that questions relating to an applicant's medical past violated the Rehabilitation Act of 1973, Sec. 504 [29 USC Sec. 794].

Although normally one would expect that scheme to be curbed when the bar admission proceeding reached the state court of last resort, insofar as it was demonstrably unlawful, inasmuch as James proved that his answer about his own medical background was correct, even though past medical issues are private and of no lawful concern to any bar licensing authority, and because no one ever appeared to testify against me in any proceedings (of course, I have no criminal record whatsoever), Chief Judge Robert N.C. Nix's association with the Delaware Law School, and with its Dean, Anthony Santoro, who claimed that my medical past was a legitimate reason to enjoin my practice of law, prevented a disinterested decision. For example, the Delaware Law School conferred an honorary Doctor of Law degree on Judge Nix in January 1980.

RELATED CASES AND PROCEEDINGS

A. A certiorari petition in *Martin v. US Dept. of Education, et. al.*, No. 00-1894, filed on 5-4-01, is pending,

unopposed. Proceedings continue in many other courts, and further petitions are likely to be filed in the US Supreme Court. James L. Martin explained to the court that the hollow accusations directed against him, about frivolous and malicious abuse of the legal system, are themselves frivolous and malicious, with more than abundant and conclusive documentation.

B. Stage in proceedings where questions sought to be reviewed were raised: Because the application to restore competency was never opposed, no questions were raised; instead, the trial judge issued a decision to contradict the findings of fact from the state supreme court's prior "findings" about Martin's alleged "commitment" to a mental hospital. The requested remedies were denied in view of the continuing affiliation between the judiciary and institutional parties in this, and in related cases. In the second, bar admission case, the questions were raised within the one-year period for filing a Motion to Reopen based on newly discovered evidence that the courts had suppressed for many years.

REASONS FOR GRANTING THIS WRIT

The judges sought to be recused are very aware of their blatant conflicts of interest. Their efforts to export the disinformation and lies officially fabricated in the proceedings before the PA Board of Law Examiners, then endorsed through the PA Supreme Court's original jurisdiction, have been properly ignored in some of the federal Circuits, where Martin remains in good standing. Certiorari is sought to address the conflict between the respondent state court of last resort's committeee, and the federal courts that have reached the opposite conclusion to recognize Martin's standing as an attorney with certificates of good standing. Over one hundred cases when Martin is or

has been a real party in interest in several states are directly dependent on the fair resolution of this matter.

A. NO FORCE OR EFFECT SHOULD BE ACCORDED DECISIONS FROM RECUSED JUDGES, AND SHOULD JUDGES WITH BLATANT FINANCIAL, EMPLOYMENT, OR OTHER CONFLICTS OF INTEREST SHOULD BE RECUSED AND DISQUALIFIED.

The affiliation between judges and the Widener University School of Law, formerly called the Delaware Law School, warrants recusals in view of the character assassination scheme against Martin at Widener Law School, even though it was ruled unlawful before a federal administrative agency. One Joseph Farnan, a federal judge in Delaware, claimed the final decision from the agency could be "ignored," and six years later, Martin coincidentally discovered evidence to prove that liar Farnan had been a paid employee of the principal defendant, Widener University School of Law, in that related case. Liar Farnan lied about his financial, employment, and social nexus with the Law School for several years, when Martin filed five (5) mandamus petitions against liar Farnan, and subsequently issued a judicial misconduct complaint. Liar Farnan was ousted, but several of his confederates on the bench, who also have similar conflicts of interest, have been protecting his decisions just as if they were lawful.

Similar conflicts of interest are apparent between judges serving on the state court whose decisions are at issue here, and the same Law School. For example, Judge Thomas G. Saylor is a member of the Board of Overseers for the Widener University School of Law, and he has also participated in honorary functions at the Law School, like the 2-24-00 competition held in the PA Supreme Court courtroom in Harrisburg. Judge Sandra Schultz Newman

received an honorary doctor of laws degree from the Widener University School of Law, and was the Law School's commencement speaker in 1996. Judge John P. Flaherty received an honorary doctor of laws degree from the Widener University School of Law, and is believed to be associated with it in other ways. The recusals of Judges Flaherty, Zappala, and Cappy have been requested in view of the pending litigation at *James L. Martin v. Supreme Court of PA, et. al.*, No. 88-2351, E. Dist., Pa., *cert. den.*, 89-5211, *reh. den.*, 11-13-89, now pending on a Motion to Reopen before the Third Circuit, at No. 00-2333, where it is one of various interrelated and consolidated cases. Despite the facts to warrant summary recusal, the judges mentioned have denied recusal motions. A-10 to A-19, without addressing the factual and legal reasons set forth here.

Liljeberg v. Health Services Acquisition Corp., 108 S. Ct. 2194 (1988), held that a violation of the recusal statute does not require scienter, although a judge's lack of knowledge about the disqualifying circumstances may bear on the question of an appropriate remedy. The touchstone is whether a reasonable person, knowing the relevant facts, would expect that the judge knew of circumstances creating an appearance of partiality, notwithstanding a finding that the judge was not actually conscious of the circumstances warranting disqualification.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW ISSUED FROM A STATE COURT OF LAST RESORT, PURSUANT TO ITS ORIGINAL JURISDICTION, ARE BINDING ON TRIAL COURTS.

The Superior Court's prior comment, on 6-2-89, that "Commitment to a mental hospital does not result in the

determination of incompetency in the courts" may be true as an abstract principle until an evidentiary hearing may be conducted, but that comment does not change the operative events: that James L. Martin was unlawfully detained, that he did demand a competency hearing within ten (10) days of being detained, that the psychiatrist understood there was no witness who could warrant the detention (and a commitment or incompetency determination), so that James L. Martin was denied his rights under the Mental Health Act of 1966, Secs. 4405 and 4406. Because the PA Supreme Court has decided that all this patently unlawful interference with Martin's life was in fact lawful in a decision that Martin was in fact "committed" to a mental institution in 1975, and and because it was issued as part of the bar admission proceeding pursuant to the Supreme Court's original jurisdiction, Martin does have the right to revert to the protections under the Mental Health Act, and to verify that he was, and still is, being denied basic legal rights just as if he were an incompetent. Anyone lawfully detained for the temporary, ten-day period could either voluntarily admit himself during that time, or could demand a competency hearing, which was supposed to have occurred not later than the end of the ten-day period. Martin does not confuse a commitment with a competency hearing; rather, the PA courts do not understand that an individual involuntarily detained in a mental institution for more than ten (10) days, under the Mental Health Act of 1966 in force when all this occurred in 1975, has been treated as if he were adjudicated incompetent. Otherwise, he would have been released as soon as the lack of evidence to justify his detention become known, which was almost immediately. If the same law had been followed, Martin never would have been detained in the first place. The reason: no act or threat of any kind, that possibly could give rise to an involuntary detention. The Reproduced Record contains many affidavits and statements, and they say much the same thing from all

the eyewitnesses including Dr. John Walmer. His tape-recorded statement governing Martin's release was that Martin would have "to achieve a worthwhile purpose in life," and to earn a college degree that Martin had already finished. The written record further discloses that when Martin explained this to those at the asylum, his speech was marked "irrelevant."

Despite this overwhelming, detailed, and uncontradicted evidence to specifically provide the background facts and the reasons the Petition to Reopen was filed in the trial court, which was to enjoin Mark Martin's frivolous and false claims about James Martin's sanity incident to his failed effort to appropriate the entire estate for himself in the parallel case, the Superior Court misapprehended the point with this conclusion: "Appellants concede their efforts in this matter are brought entirely on behalf of James L. Martin who is the driving force behind this case." A-7. James Martin's sisters brought the action for their own benefit, because their rights to inherit have been compromised as the direct result of the judicial efforts to portray a documented case of psychiatric assault as if it were legitimate and lawful treatment for a mental illness. James Martin merely responded, as any sane person could be expected to respond, to the continuing, but exceedingly hollow, attacks on his sanity, and despite the notorious corruption within the PA judicial system, he is making progress in some of the other courts.

The Superior Court's opinion foolishly portrayed Martin as though he were suffering from paranoia, one of the classic symptoms of schizophrenia: "Martin has alleged a vast conspiracy exists among the State Courts, Federal Courts and the Delaware Law School to wrongfully prevent him from engaging in the practice of law." A-7. The Opinion at issue does not contain any reference to the record in support

of its conclusion, which is obviously wrong in light of the federal courts where the attacks on Martin's standing as an attorney have been properly ignored. The record does include the 8-3-00 affidavit from Mary Jane DeAngelis, to clarify the factual setting at Delaware Law School, where part of the disinformation got underway. The affidavit is also in *Martin v. Quackenbush, et. al.*, Cent. Dist. CA, No. 98-0861, a case against the former CA Insurance Commissioner, whose corruption caused his ouster under threat of impeachment. (The Law School's insurer became insolvent, so Quackenbush informed James Martin about his right to file a claim against the proceeds of the defunct insurer to execute on the final administrative judgment issued against the Law School and in favor of Martin, a fact the courts below, as well as the US Supreme Court, have consistently ignored.)

Contrary to the Superior Court's false accusation that ". . . Martin *claimed* [emphasis in original] a mental infirmity as the basis for seeking benefits," A-8, ftn. 1, Martin's brief filed in *Martin v. Com., Dept. of Labor and Industry*, 461 A. 2d 1351 (Pa. Cmwlth. 1983), discloses exactly what Martin claimed, excerpted verbatim from page 15 of his Opening Brief (there was no oral argument in that appeal, so what Martin said is entirely restricted to the written record):

> "BVR's [Bureau of Vocational Rehabilitation's] agents often asked petitioner [James Martin] whether he thought he ever was, or is now, 'mentally ill,' 'paranoid schizophrenic,' or 'mentally diasbled.' ***Insulting as these questions were*** [emphasis added], petitioner responded that if he claims to have been, or to be, somehow mentally disabled, then his application for law school tuition would be meritless, because the

mentally disabled, especially those afflicted with 'paranoid schizophrenia--in remission,' would never be able to perform, academically or professionally, in a legal career. On the other hand, if he denied that he was, or is, mentally disabled, then he could be viewed as providing corroborating evidence for a classical symptom of 'mental illness'--the mentally ill victim does not admit his illness; for if he did, he would likely seek treatment just like anyone afflicted with a grievous, organic ailment, like bronchitis or cerebrospinal meningitis, and not seek a rigorous academic program that would only aggravate his condition.

"The regulations to determine who a 'handicapped individual is, under the Rehabilitation Act, obviate an answer to BVR's perennial question: 'Do you think you are mentally disabled?'

"'Handicapped individual,' for purposes of [citations] means an individual--

* * * * * * * *

"(ii) Who has a record of such impairment; or

"(iii) Who is regarded as having such an impairment.' 45 CFR Sec. 1361.1(k)(2)(i) through (iii).

"Accordingly, petitioner's inability to render an opinion as to his own condition should not preclude benefits in the form of law school tuition."

There is a substantial difference between "claiming a mental infirmity," as the consistantly errant court below has argued, and "not render[ing] an opinion as to his [Martin's] own condition," as the record reflects. This obvious distinction remains well beyond the competence of the PA Superior Court to apprehend, even after this obvious distinction is explained in unopposed detail, as it was in the reargument application below, as well as in the petition for allowance of appeal.

The Superior Court Opinion at issue, at A-6 to A-6, begins with an inherently incohesive statement about the terms and conditions under which James Martin passed the PA Bar Exam. In accord with the rules at that time, in 1983, Martin applied for and was issued permission to sit for the exam. The rules enjoined the PA Board from inquiring about an applicant's fitness or character after said applicant passed the exam, unless an intervening development arose, like a felony conviction or some other evidence of misconduct. Despite its own rules, the PA Board ignored Martin's unblemished lifetime record, and ignored the fact that he had already passed the exam, so that it purported to preside over the question about whether he should be eligible to sit for the exam, after he had already passed it. The Opening Brief below contains an extensive recitation of the Board members' lies, which the Superior Court casually ignored.

The state Court's continuing pattern to distort the record and ignore the facts has been noted in other litigation, unrelated to that of James L. Martin, before the federal judiciary. For example, PA Federal Judge Newcomer wrote:

> ". . . [T]his Court [Eastern District of PA] cannot turn a blind eye to the fact that too often members of the Pennsylvania state

> appellate judiciary have shaken the confidence of the people in the fair and impartial administration of justice in this Commonwealth. This instance is but one of many in which the judges in Pennsylvania have appeared to act with more than the evenhanded application of the law in mind,... ."

Yohn v. Love, 887 F. Supp. 773, 798 (E. D. Pa. 1995).

> "The Chief Justice [the disgraced and prematurely retired Nix, who signed an Order purporting to enjoin Martin from sitting for the PA bar exam after Martin had already earned a passing score on the exam] was in no position to make a ruling on the tape's admissibility, having never heard it. His interference in the trial was, as discussed in detail above, nothing other than a ***gross abuse*** [emphasis added] of the jurisdictional limits of his power."

Id., at 796-797.

Despite the well-documented and obvious finding of gross abuse of power, the Superior Court found no basis for appellate relief when the idential issues were properly brought before the Court. ". . . [T]he Superior Court chose to avoid the more substantial issue: whether the intervention of Chief Justice Nix was proper." *Id.*, at 791, ftn. 32. Therefore, although the "gross abuse" of the disgraced Nix was set forth in detail in an appeal to the Superior Court, the Superior Court could find no basis for appellate relief, and in

so doing, again affirmed the widely-held view that it is both incompetent and corrupt.

In the interim, the Pennsylvania Supreme Court has become the hallmark of complete judicial corruption. Rolf Larsen, its chief justice-to-be, was ousted for procuring drug prescriptions to treat his mental illness by having them recorded and filled in his employees' names. In a more serious conviction after impeachment, he was guilty of dispensing "justice" for consideration, just as James Martin repeatedly documented in a long series of interrelated petitions filed in this Court.

An individual has the right to be legally discharged from an institution where he was kept in custody unlawfully, as an incompetent, regardless of whether he also earned a passing score on various bar exams, and regardless of whether corrupt judicial personnel embarked on a scheme to misrepresent his totally private, medical background when he applied for state and federal bar licensure. These facts preclude the lower court's "vast conspiracy" theory that it foolishly imputed to James Martin, without specific reference to any part of Martin's argument. The reason is that Martin has not made that argument.

C. THE 1st and 14th AMENDMENTS ENSURE AGAINST THE TAKING OF LIBERTY AND PROPERTY INTERESTS WITHOUT NOTICE, HEARING, OR CAUSE, LIKE DETAINING AN INDIVIDUAL UNDER THE BENEVOLENT GUISE OF EMERGENCY PSYCHIATRIC TREATMENT AND REFUSING TO DISCHARGE HIM AFTER 25 YEARS, DESPITE AN UNOPPOSED PETITION TO TERMINATE INCOMPETENCY.

A letter, signed by the PA Board of Law Examiners' Secretary/Treasurer Susua Anderson, and dated 10-20-83, reads,

> "It was discovered that some of the Press Releases' [sic] may contain the name of James L. Martin, Quarryville, PA on page 57. This name should not have been on the list. Please make certain that this name does not appear and if it does, please remove from your list."

This letter was directed to the Dean of the law school Martin attended. If the PA Supreme Court's disclosure about their having made a "mistake" with certifying Martin as a successful PA lawyer to the public were accurate, the PA Supreme Court would have sent Martin a copy of the 10-20-83 letter. Conspicuous by its absence is any indication that the respondent even tried to notify Martin. The letter is remarkably to the recitation of the act or threat that appears as the sole and exclusive basis for taking Martin into custody in 1975: "Seems to have lost contact with reality and is highly agitated & aggressive." No references to any witness(es) appear, and by using the passive voice, liar Suan Anderson avoided reference to the identity of the person who patronized her in the outrageous effort to portray my eligibility for the bar exam, and my performance on it, to be a

"mistake." If this outrage had occurred during the course of a legitimate judicial proceeding, Martin would have been informed, but he was not, and therefore he labored in vain for many years, and suffered extensive losses, and tried to convince belligerent judges, affiliated with and in some cases employed by adverse institutional parties in related cases, that he should be permitted to continue with his profession.

D. A JUSTICE SERVING ON THE SUPREME COURT OF THE UNITED STATES IS SUBJECT TO THE RECUSAL STATUTE AT 28 USC Sec. 455.

See the discussion on this point at *Martin v. US Dep. of Education, et. al.*, No. 00-1894, --US--, pending.

CONCLUSION

We request that the relief we seek in this petition for a writ of certiorari to the Supreme Court of Pennsylvania be granted, with directives to restore the competency of James Lee Martin and to terminate the period of incompetency that began on February 2, 1975. The record in the court below shall be reformed to recite the findings of the Pennsylvania Supreme Court, which determined that James Lee Martin had been lawfully committed to a mental institution in 1975, and had been detained for more than ten (10) days, so that an adjudication of incompetency necessarily occurred at the end of the ten-day period, even though no record of it exists.

Respectfully submitted,

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Harrisburg, PA 17110
(717) 652-3152

(Any footnotes trail end of each document)

No. 875 MAL 2000

IN THE SUPREME COURT OF
PENNSYLVANIA MIDDLE DISTRICT

IN RE: JAMES L. MARTIN

PETITION OF ANN L. MARTIN, GRACE E. MARTIN
AND LOIS J. HARBOLD

Petition for Allowance of Appeal from Superior Court

ORDER

PER CURIAM

AND NOW, this 17th day of April. 2001, the petition for allowance of appeal is denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES L. MARTIN,
Petitioner

v.

PENNSYLVANIA BOARD OF LAW EXAMINERS,
Respondent

ORDER

PER CURIAM:

AND NOW, this 12th day of June, 2001, the Petition for Review is denied

No. 4,1989

IN THE COURT OF COMMON PLEAS OF
LEBANON COUNTY PENNSYLVANIA

ORPHANS COURT DIVISION

IN RE: JAMES L. MARTIN

Appearances:
Ann L. Martin Pro se
Grace E. Martin
Lois J. Harbold

OPINION, KLINE, J., December 10, 1999

Before the Court is a rather extensive Petition to Reopen filed by Ann L. Martins Grace E. Martin and Lois J. Harbold, surviving children of Josephine A. Martin, and sisters of James L. Martin. A careful review of the Petition asks the Court to enter an Order declaring James L. Martin competent. The problem with the prayer of the request is that this Court, based upon the review of the docket entries, can find no order of the Court of Common Pleas of Lebanon County in which we ever declared James L. Martin incompetent. Consequently, we continue to be without any jurisdiction to entertain such a petition and it is dismissed.

We do note that this is at least the third time in eleven (11) years that this matter has been brought to this court and we have consistently ordered dismissal. In a memorandum Opinion issued by Judge Robert J. Eby, now President Judge of the Court of Common Pleas, on February 23, 1989, the President Judge states in part "in short, as the record reflects

no action has been taken in this judicial district resulting in Mr. Martin's adjudication as an incompetent, no action lies to determine his present competency". Since that decision, some ten (10) years ago the record remains the same. Accordingly, we are compelled to dismiss this moat recent Petition to Reopen since we have never issued an order adjudicating James L. Martin an incompetent.

No. 4, 1989

IN THE COURT OF COMMON PLEAS OF
LEBANON COUNTY PENNSYLVANIA

ORPHANS COURT DIVISION

IN RE: JAMES L. MARTIN

ORDER OF COURT

AND NOW, to wit, this 10th day of December, 1999, upon consideration of the within Petition to Reopen filed by Ann L. Martin, Grace E. Martin and Lois J. Harbold, the Petition is respectfully denied for the reasons set forth in the attached Opinion.

BY THE COURT

No. 297 MDA 2000

IN THE SUPERIOR COURT OF PENNSYLVANIA

IN RE: JAMES L. MARTIN

APPEAL OF: ANN L. MARTIN, GRACE E. MARTIN AND LOIS J. HARBOLD

Appeal from the ORDER ENTERED December 10, 1999
In the Court of Common Pleas of LEBANON County
ORPHANS, No. 4 YEAR 1989

September 5, 2000

BEFORE CAVANAUGH, DEL SOLE and MUSMANNO, JJ.

MEMORANDUM:

Appellants appeal from the following order:

> Before the Court is a rather extensive Petition to Reopen flied by Ann L. Martin, Grace E. Martin and Lois J. Harbold, surviving children of Josephine A. Martin, and sisters of James L. Martin. A careful review of the Petition asks the Court to enter an Order declaring James L. Martin competent. The problem with the prayer of the request is that this Court, based upon the review of the docket entries, can find no order of the Court of Common Pleas of Lebanon County in which we ever declared James L. Martin

> incompetent. Consequently, we continue to be without any jurisdiction to entertain such a petition and it is dismissed.
>
> We do note that this is at least the third time in eleven (11) years that this matter has been brought to this court and we have consistently ordered dismissal. In a memorandum Opinion issued by Judge Robert J. Eby, now President Judge of the Court of Common Pleas, on February 23, 1989, the President Judge states in part "in short, as the record reflects no action has been taken in this judicial district resulting in Mr. Martin's adjudication as an incompetent, no action lies to determine his present competency". Since that decision, some ten (10) years ago, the record remains the same. Accordingly, we are compelled to dismiss this most recent Petition to Reopen since we have never Issued an order adjudicating James L. Martin an incompetent.

We affirm.

James L. Martin sat for the Pennsylvania Bar Examination in July of 1983. In May of 1984, after a full hearing, the Pennsylvania Board of Law Examiners determined that Martin did not meet the requisite character standards and declared his bar exam results a nullity. The Board stated:

> Mr. Martin gave false information on his application for admission to Delaware Law School. He indicated that he had not been committed to an institution for mental illness when in fact he had. Even as of the day of our

> hearing, Mr. Martin would not admit that the information he gave to Delaware was false. Consequently, the Board found the applicant unfit.

In this court's disposition of Martin's appeal from Judge Eby's February 23, 1989, order, we opined:

> It appears that appellant is under the erroneous notion that commitment to a mental hospital produces an adjudication of incompetency in the courts. Commitment to a mental hospital does not result in the determination of incompetency in the courts. Therefore, appellant seeks redress from the court system which is not available under the law.

The Instant appellants seek the same unavailable relief that James L. Martin first sought individually eleven years ago. Appellants concede their efforts in this matter are brought entirely on behalf of James L. Martin who is the driving force behind this case. Martin has alleged that a vast conspiracy exists among the State Courts, Federal Courts and the Delaware Law School to wrongfully prevent him from engaging in the practice of law. Despite the fact that he has never been adjudicated incompetent, he has repeatedly sought to be declared competent, and has now apparently enlisted the aid of his sisters to that futile end.[1]

The order which denied appellants' petition to reopen is affirmed.

FOOTNOTES

[1] We take judicial notice that in prior litigation, Martin claimed a mental infirmity as the basis for seeking benefits. In Martin v. Com., Dept. of Labor and Industry, 461 A.2d 1351 (Pa.Cmwlth. 1983), the Commonwealth Court found that Martin was diagnosed a paranoid schizophrenic in remission and affirmed the denial of Martin's request for vocational rehabilitation assistance in the form of law school tuition where Martin failed to prove he is a "severely handicapped individual" as defined by C.F.R. §1361.1.

Moreover, our United States Supreme Court has characterized Martin as "a notorious abuser of this Court's certiorari process," due to the great frequency and quantity of his "repetitious" and "demonstrably frivolous" petitions for certiorari from the adverse decisions in dozens of federal lawsuits. Martin v. D.C. Court of Appeals, 506 U.S. 1 (1992).

No. 297 MDA 2000

IN THE SUPERIOR COURT OF PENNSYLVANIA

IN RE; JAMES L. MARTIN

APPEAL OF: ANN L. MARTIN, GRACE E. MARTIN AND LOIS J. HARBOLD

ORDER OF COURT

The Court hereby DENIES the application filed September 18, 2000 requesting reargument or reconsideration of the decision dated September 5, 2000.

PER CURIAM

DATE: November 14, 2000

No. 875 MAL 2000

IN THE SUPREME COURT OF
PENNSYLVANIA MIDDLE DISTRICT

IN RE: JAMES L. MARTIN

PETITION OF ANN L. MARTIN, GRACE
E. MARTIN AND LOIS J. HARBOLD

Petition for Allowance of Appeal from the
Order of the Superior Court

ORDER

AND NOW, this 13th day of April, 2001, the motion for recusal is denied.

No. 875 MAL 2000

IN THE SUPREME COURT OF
PENNSYLVANIA MIDDLE DISTRICT

IN RE: JAMES L. MARTIN

PETITION OF ANN L MARTIN, GRACE
E. MARTIN AND LOIS J. HARBOLD

Petition for Allowance of Appeal from
Order of the Superior Court

ORDER

AND NOW this 16th day of April, 2001, the motion for recusal is denied.

No. 875 MAL 2000

IN THE SUPREME COURT OF
PENNSYLVANIA MIDDLE DISTRICT

IN RE JAMES L MARTLN

PETITION OF: ANN L MARTIN, GRACE
E. MARTIN AND LOIS J. HARBOLD

Petition for Allowance of Appeal from
Order of the Superior Court

ORDER

PER CURIAM

AND NOW, this 16th day of April, 2001, the Motion for Recusal is hereby denied.

No. 815 M.D. Alloc. Dkt. 2000

IN THE SUPREME COURT OF
PENNSYLVANIA MIDDLE DISTRICT

IN RE: JAMES L. MARTIN

PETITION OF ANN L. MARTIN, GRACE
E. MARTIN AND LOIS J. HARBOLD

Petition for Allowance of Appeal from the
Memorandum Opinion of Superior Court

ORDER

AND NOW, this 17th day of April, 2001, the Motion for Recusal is DENIED.

No. 875 M.D. Allocatur Docket 2000

IN THE SUPREME COURT OF
PENNSYLVANIA MIDDLE DISTRICT

IN RE: JAMES L. MARTIN

v.

PETITION OF: ANN L. MARTIN, GRACE E. MARTIN
AND LOIS J. HARBOLD.

Petition for Allowance of Appeal from the Superior Court

ORDER

PER CURIAM:

AND NOW, this 17th day of April, 2001, the Motion for Recusal is denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES L. MARTIN,
Petitioner

v.

PENNSYLVANIA BOARD OF LAW EXAMINERS,
Respondent,

Petition for Review

Petitioner's Motion for Recusal and Disqualification of Justices Flaherty, Zappala, Cappy, Newman and Saylor

ORDER

AND NOW, this 12th day of June, 2001, the motion for recusal of Chief Justice John P. Flaherty is denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES MARTIN,
Petitioner

v.

PENNSYLVANIA BOARD OF LAW EXAMINERS,
Respondent

Petitioner's Motion for Recusal and Disqualification of Justices Flaherty, Zappala, Cappy, Newman and Saylor

ORDER

AND NOW, this 12th day of June, 2001, the Motion for Recusal of Justice Stephen A. Zappala is hereby denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES L. MARTIN

v.

PENNSYLVANIA BOARD OF LAW EXAMINERS

Petitioner's Motion for Recusal and Disqualification of Justices Flaherty, Zappala, Cappy, Newman and Saylor

ORDER

PER CURIAM:

AND NOW, this 12th day of June, 2001, the Motion for Recusal of Justice Ralph J. Cappy is hereby denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES MARTIN,
Petitioner

v.

PENNSYLVANIA BOARD OF LAW EXAMINERS,
Respondent

Petitioner's Motion for Recusal and Disqualification of Justices Flaherty, Zappala, Cappy, Newman and Saylor

ORDER

PER CURIAM

AND NOW, this 12th day of June, 2001 the Motion for Recusal of Justice Sandra Schultz Newman is hereby denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES MARTIN,
Petitioner

v.

PENNSYLVANIA BOARD OF LAW EXAMINERS,
Respondent

Petitioner's Motion for Recusal and Disqualification of Justices Flaherty, Zappala, Cappy. Newman and Saylor

ORDER

PER CURIAM

AND NOW, this 12th day of June, 2001, the Motion for Recusal of Justice Thomas G. Saylor is hereby denied.

No. 51 EM 2001

IN THE SUPREME COURT OF
PENNSYLVANIA EASTERN DISTRICT

JAMES L. MARTIN,
Petitioner

v.

PENNSYLVANIA BOARD OF LAW
Respondent

ORDER

PER CURIAM:

AND NOW, this 7th day of September, 2001, the Petition for Rehearing is denied.